

**Amendments to the Claims:**

The following listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Withdrawn) An electrolyte membrane for a fuel cell, comprising:  
a hydrated electrolyte layer containing moisture; and  
dense layers made of a hydrogen permeable material and formed on both sides of the electrolyte layer.
2. (Withdrawn) The electrolyte membrane according to claim 1, wherein the hydrated electrolyte layer is a solid polymer membrane.
3. (Withdrawn) The electrolyte membrane according to claim 1, wherein the dense layer disposed at an oxygen electrode side of the fuel cell is formed from one of vanadium, niobium, tantalum, and an alloy containing at least a part of vanadium, niobium, and tantalum.
4. (Withdrawn) The electrolyte membrane according to claim 1, wherein the dense layer disposed at a hydrogen electrode side of the fuel cell is formed from one of palladium and a palladium alloy.
5. (Withdrawn) The electrolyte membrane according to claim 1, wherein the dense layer made of the hydrogen permeable material includes at least two hydrogen separation membrane layers respectively made of different kinds of metal, and a metal diffusion suppression layer, provided on at least a part of a contact interface between the separation membrane layers made of the different kinds of metal, for suppressing diffusion of the different kinds of metal.
6. (Withdrawn) The electrolyte membrane according to claim 5, wherein the metal diffusion suppression layer includes at least one of a proton conductor, a mixed conductor, an insulating material, a ceramic, and a proton-nonconductive metal.

7. (Withdrawn) A fuel cell, comprising:
- an electrolyte membrane having a hydrated electrolyte layer containing moisture, and dense layers, formed on both sides of the electrolyte layer and made of a hydrogen permeable material;
  - an oxygen electrode disposed on one side of the electrolyte membrane;
  - an oxidizing gas supply portion that supplies oxidizing gas to the oxygen electrode;
  - a hydrogen electrode disposed on the other side of the electrolyte membrane;
  - and
  - a fuel gas supply portion that supplies a hydrogen-rich fuel gas to the hydrogen electrode.
8. (Withdrawn) The fuel cell according to claim 7, wherein the hydrated electrolyte layer is a solid polymer membrane.
9. (Withdrawn) The fuel cell according to claim 7, wherein the dense layer disposed at the oxygen electrode side of the fuel cell is formed from one of vanadium, niobium, tantalum, and an alloy containing at least a part of vanadium, niobium, and tantalum.
10. (Withdrawn) The fuel cell according to claim 7, wherein the dense layer disposed at the hydrogen electrode side of the fuel cell is formed from one of palladium and a palladium alloy.
11. (Withdrawn) The fuel cell according to claim 7, wherein the dense layer made of the hydrogen permeable material includes at least two hydrogen separation membrane layers respectively made of different kinds of metal, and a metal diffusion suppression layer, provided on at least a part of a contact interface between the separation membrane layers made of the different kinds of metal, for suppressing diffusion of the different kinds of metal.

12. (Withdrawn) The fuel cell according to claim 11, wherein the metal diffusion suppression layer includes at least one of a proton conductor, a mixed conductor, an insulating material, a ceramic, and a proton-nonconductive metal.

13-24. (Canceled)

25. (Currently Amended) The fuel cell according to claim 24~~26~~, wherein a surface of a side of the electrolyte layer that is not in contact with the substrate is coated with a coating made of a hydrogen permeable material; and the substrate and the coating are formed from different kinds of metallic materials, respectively.

26. (Currently Amended) ~~The fuel cell according to claim 23,~~ A fuel cell, comprising:

an electrolyte membrane having a substrate formed from a dense hydrogen permeable material and an inorganic electrolyte layer formed on at least one side of the substrate;

an oxygen electrode disposed on one side of the electrolyte membrane;

an oxidizing gas supply portion that supplies an oxidizing gas to the oxygen electrode;

a hydrogen electrode disposed on the other side of the electrolyte membrane;  
and

a fuel gas supply portion that supplies a hydrogen-rich fuel gas to the hydrogen electrode; wherein the substrate permeates the hydrogen in the state of protons or hydrogen atoms and the electrolyte layer has proton conductivity.

wherein the substrate made of the hydrogen permeable material includes at least two hydrogen separation membrane layers respectively made of different kinds of metal, and a metal diffusion suppression layer, provided on at least a part of a contact interface

between the separation membrane layers of the different kinds of metal, for suppressing diffusion of the different kinds of metal.

27. (Previously Presented) The fuel cell according to claim 26, wherein the metal diffusion suppression layer contains at least one of a proton conductor, a mixed conductor, an insulating material, a ceramic, and a proton-nonconductive metal.

28. (Canceled)

29. (Currently Amended) ~~The fuel cell according to claim 23,~~ A fuel cell,  
comprising:

an electrolyte membrane having a substrate formed from a dense hydrogen permeable material and an inorganic electrolyte layer formed on at least one side of the substrate;

an oxygen electrode disposed on one side of the electrolyte membrane;

an oxidizing gas supply portion that supplies an oxidizing gas to the oxygen electrode;

a hydrogen electrode disposed on the other side of the electrolyte membrane;

and

a fuel gas supply portion that supplies a hydrogen-rich fuel gas to the hydrogen electrode; wherein the substrate permeates the hydrogen in the state of protons or hydrogen atoms and the electrolyte layer has proton conductivity.

wherein the electrolyte layer is formed from a solid oxide, and the electrolyte membrane has a reaction suppression layer, provided on at least a part of an interface between the substrate and the electrolyte layer, for suppressing a reaction between an oxygen atom, which is contained in the electrolyte layer, and the substrate.

30. (Original) The fuel cell according to claim 29, wherein the reaction suppression layer contains at least one of a proton conductor, a mixed conductor, and an insulating material.

31. (Currently Amended) ~~The fuel cell according to claim 23;~~ A fuel cell, comprising:

an electrolyte membrane having a substrate formed from a dense hydrogen permeable material and an inorganic electrolyte layer formed on at least one side of the substrate;

an oxygen electrode disposed on one side of the electrolyte membrane;

an oxidizing gas supply portion that supplies an oxidizing gas to the oxygen electrode;

a hydrogen electrode disposed on the other side of the electrolyte membrane;  
and

a fuel gas supply portion that supplies a hydrogen-rich fuel gas to the hydrogen electrode; wherein the substrate permeates the hydrogen in the state of protons or hydrogen atoms and the electrolyte layer has proton conductivity.

wherein an electrolyte of the electrolyte layer is a composite oxide containing an A-site material having an alkali metal element as a principal component, and a B-site material having another element as a principal component, such that a molar ratio of the A-site material to the B-site material is constant, and also containing a predetermined amount of oxygen; the composite oxide is synthesized by a reaction between the A-site material and the B-site material, and during the reaction, the molar ratio of the A-site material to the B-site material is smaller than the constant molar ratio.

32. (Currently Amended) ~~The fuel cell according to claim 23,~~ A fuel cell,  
comprising:  
an electrolyte membrane having a substrate formed from a dense hydrogen  
permeable material and an inorganic electrolyte layer formed on at least one side of the  
substrate;  
an oxygen electrode disposed on one side of the electrolyte membrane;  
an oxidizing gas supply portion that supplies an oxidizing gas to the oxygen  
electrode;  
a hydrogen electrode disposed on the other side of the electrolyte membrane;  
and  
a fuel gas supply portion that supplies a hydrogen-rich fuel gas to the hydrogen  
electrode; wherein the substrate permeates the hydrogen in the state of protons or hydrogen  
atoms and the electrolyte layer has proton conductivity.  
wherein an electrolyte of the electrolyte layer is a composite oxide containing  
an A-site material having an alkali metal element as a principal component, and a B-site  
material having another element as a principal component, such that a molar ratio of the A-  
site material to the B-site material is constant, and also containing a predetermined amount of  
oxygen; and the composite oxide is synthesized in a state in which the composite oxide  
contains a predetermined amount of an oxide of a third material that forms an oxide together  
with the alkali metal element.

33-34. (Cancelled)

35. (Withdrawn) A method of manufacturing an electrolyte membrane for a fuel  
cell, comprising the steps of:

forming a hydrated electrolyte layer that contains moisture; and

forming dense layers made of a hydrogen permeable material on both sides of the electrolyte layer.

36-38. (Canceled)

39. (Withdrawn) A method of manufacturing a fuel cell, comprising the steps of:  
forming an electrolyte membrane by forming a dense layer of a hydrogen permeable material on both surfaces of a hydrated electrolyte layer containing moisture ;  
arranging an oxygen electrode and an oxidizing gas supply portion that supplies oxidizing gas to the oxygen electrode on one side of the electrolyte membrane; and  
arranging a hydrogen electrode and a fuel gas supply portion that supplies a hydrogen-rich fuel gas to the hydrogen electrode on the other side of the electrolyte membrane.

40-43. (Canceled)

44. (Currently Amended) The fuel cell according to claim 43~~26~~, wherein the ~~thin membrane~~electrolyte layer has a thickness of 0.1 to 1  $\mu\text{m}$ .

45-48. (Canceled)

49. (Withdrawn) The electrolyte membrane according to claim 20, wherein the reaction suppression layer is an insulating material and is discontinuously formed.

50-51. (Canceled)

52. (New) The fuel cell according to claim 29, wherein a surface of a side of the electrolyte layer that is not in contact with the substrate is coated with a coating made of a hydrogen permeable material; and the substrate and the coating are formed from different kinds of metallic materials, respectively.

53. (New) The fuel cell according to claim 31, wherein a surface of a side of the electrolyte layer that is not in contact with the substrate is coated with a coating made of a

hydrogen permeable material; and the substrate and the coating are formed from different kinds of metallic materials, respectively.

54. (New) The fuel cell according to claim 32, wherein a surface of a side of the electrolyte layer that is not in contact with the substrate is coated with a coating made of a hydrogen permeable material; and the substrate and the coating are formed from different kinds of metallic materials, respectively.

55. (New) The fuel cell according to claim 29, wherein the electrolyte layer has a thickness of 0.1 to 1  $\mu\text{m}$ .

56. (New) The fuel cell according to claim 31, wherein the electrolyte layer has a thickness of 0.1 to 1  $\mu\text{m}$ .

57. (New) The fuel cell according to claim 32, wherein the electrolyte layer has a thickness of 0.1 to 1  $\mu\text{m}$ .